

1103326-0206IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goutam Das
Serial No. : CPA of 09/418,176
Filed : October 13, 1999 (CPA filed
September 25, 2002)
For : DNA MOLECULES FOR EXPRESSION OF BILE
SALT-STIMULATED LIPASE
Examiner : D. Ramirez
Group Art Unit : 1652

DECLARATION CONCERNING AVAILABILILTY OF DEPOSITED BIOLOGICAL
MATERIAL

I, Richard J. Sterner, declare as follows:

I am an agent of record for Applicant in the referenced application.

As disclosed on page 20 of the instant specification, deposits of plasmid pARC 5771 transformed into *P. pastoris* strain PPF-1, plasmid pARC 5797 transformed into *P. pastoris* strain GS115 and plasmid pARC 5799 also transformed into strain GS115 were made on May 2, 1995 at the National Collections of Industrial and Marine Bacteria Limited (NCIMB) in accordance with the provisions of the Budapest Treaty. These deposits were given Accession Nos. NCIMB 40721, 40722 and 40723, respectively.

All restrictions and conditions on the availability to the public of the material of these deposits will be irrevocably removed upon granting of a patent from the referenced application.

The deposits will be replaced if viable samples cannot be dispensed by the depository.

All statements made herein of my own knowledge are true and all statements that are made on information and belief are believed to be true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent which issues thereon.

Dated: August 21, 2003

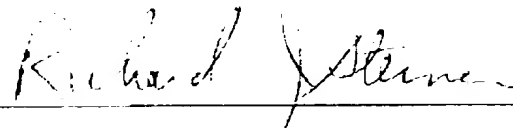
Respectfully submitted,

FAX RECEIVED

AUG 22 2003

GROUP 1600

OFFICIAL



Richard J. Sterner
Reg. No. 35,372

Applicants' Agent
Customer Number 007470
(212) 819-8200

Agent's Direct Line:

(212) 819-8783